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November 12, 2013

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**By Electronic Case Filing and E-mail**

Honorable Analisa Torres  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, N.Y. 10007

***Re: Soundview Elite Ltd. v. Gerti Muho, et al***  
***Civil Action No. 13-cv-6895 (AT)***

Dear Judge Torres:

We write regarding the Court's October 22<sup>nd</sup> Order, as reflected in the hearing transcript that day, setting the deposition of defendant Gerti Muho in the above-referenced action for November 18, 2013. Due to a scheduling conflict on November 18<sup>th</sup>, we respectfully request that the date for that deposition be adjourned until November 26, 2013.

On October 30, 2013, we served a Notice of Deposition, Request for Production of Documents, and a copy of the Court's October 22<sup>nd</sup> hearing transcript *via* Federal Express and certified mail to Defendant Gerti Muho at 6031 Grove Street, Ridgewood, New York 11385, where all previous service on Mr. Muho in this action has been made. The same day, we also sent a courtesy copy of the documents *via* electronic mail to the e-mail address that Mr. Muho has used to communicate with us previously and to which he requested we send e-mails in the future. The FedEx package was returned to us. Even though we presume that Mr. Muho received the documents by certified mail and e-mail, on November 7<sup>th</sup>, we also sent copies of the discovery requests to defendant Muho *via* FedEx and certified mail to defendant Muho's other address located at 20 Exchange Place, Apartment 4504, New York, New York 10005. According to the building's doorman, defendant Muho resides at that location, but has not been seen for some time.

Plaintiffs' Notice of Deposition proposed that the deposition take place on November 26, 2013. In the cover letter that accompanied the Deposition Notice, we invited defendant Muho to contact us to confirm that he was available on that date. We have not heard from defendant Muho.

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Accordingly, we respectfully request that the Court amend the October 22 Order to allow defendant Muho's deposition to take place on November 26 or another mutually agreeable date. We note that Defendant's time to answer has now passed. Given the lack of communication from defendant Muho, we have our doubts that he will appear for his deposition or otherwise respond to our discovery demands. As such, we anticipate that we will soon seek further relief from the Court, specifically, a default judgment.

Respectfully submitted,

A handwritten signature in dark ink, appearing to be 'Nicolas Commandeur', written over a horizontal line.

Nicolas Commandeur

cc: Mr. Gerti Muho (via email and first-class mail)